

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

JIMMY WILLIAMS, as next friend to M.W., §  
W.G.W., and K.W.

v. § CIVIL ACTION NO. 9:12CV133

ROBERT LEE ROGERS, *et al.* §

ORDER ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES  
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of the above-styled matter has been presented for consideration. The Report and Recommendation, filed on October 29, 2012, recommends that the complaint be dismissed with prejudice for lack of subject matter jurisdiction pursuant to Fed.R.Civ.P. 12(b)(1), but without prejudice as to the refiling thereof in an appropriate state court. Plaintiff filed written objections to the Report and Recommendation on November 19, 2012.

Having made a *de novo* review of the written objections filed by Plaintiff, the Court finds that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. The Court, therefore, adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

**ORDERED** that the complaint is **DISMISSED** with prejudice pursuant to Fed.R.Civ.P. 12(b)(1) for lack of subject matter jurisdiction, but without prejudice as to the refiling thereof in an appropriate state court.

Any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this **19** day of **November, 2012**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge